-HONOURABLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No.1586 of 2004

Date:12-07-2006

Between:

M/s. C.S.R. Murthy,
Bharat Petroleum Corporation Dealers,
N.H.5 Road, Near Tallapalem Junction,
Ugginapalem, Visakhapatnam,
Visakhapatnam District.

Rep. by K. Subrahmanyam, S/o. Peda Kamaraju,
aged 60 years, Anakapalle, Visakhapatnam District.

.. Petitioner

AND

M/s. Bharat Petroleum Corporation Limited,
Rep. by its Territory Manager (Retail),
Visakhapatnam, Visakhapatnam District.

.. Respondent

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare the order dated 27-01-2004 of the respondent-M/s. Bharat Petroleum Corporation limited suspending the sales and supplies (M.S., HSD and Lubricants) for a period of 15 days i.e., from 28-1-2004 to
11-2-2004 and directing the petitioner to pay a sum of Rs.10,000/- towards fine as illegal and arbitrary.

2. It is reported by the learned counsel for the respondent that similar writ petition in W.P. No.1316 of 2005 was dismissed

by this Court holding that the order impugned does not suffer from any legal infirmity and the same was upheld by the Division Bench in W.A. No.195 of 2005.

3. However, the learned counsel for the petitioner contends that suspension of sales and supplies of M.S., HSD and lubricants for a period of 15 days i.e. from 28-01-2004 to 11-02-2004 may be waived, in case the fine of Rs.10,000/- imposed is confirmed.

4. Considering the circumstances, as the alleged violation has taken place two years back i.e. in 2004 and the licence of the petitioner was not suspended permanently, the suspension of sales and supplies for a period of 15 days i.e. from 28-01-2004 to 11-02-2004 is set aside.
However, the petitioner is directed to pay the fine amount of Rs.10,000/- within two weeks from today.

With the observations and directions as above, the Writ Petition is dismissed. No costs.

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P. SWAROOP REDDY, J

Date:12-07-2006.

PV